



CITY OF MEMPHIS

COUNCIL AGENDA

July 20, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (July 6, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating Public Works employee Jean Soucy on his designation as the 2009 Dunavant Award honoree in the Non-Elected Public Servant category.

Strickland

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring Ms. Lavelle Fitch for being named the 2009 and 2010 Hall of Fame Award recipient from the Airport Minority Advisory Council.

Ware

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a planned development located on the west side of Germantown Parkway; 225 feet south of Meadow Trail Drive, containing 1.96 acres in an area currently governed by the conditions of the Meadow Trail P.D., Phase 1, (P.D. 95-351), Plat Book 202, Page 25.

Ford

Case No. PD 10-306

Applicant: American Properties Co., GP
SR Consulting, LLC – Cindy Reaves – Representative

Request: A planned development amendment to permit three new commercial uses within the outline plan; restaurant with carry out (excluding drive thru), bakery and grocery with less than 5,000 square feet of area

LUCB and OPD recommendation: APPROVAL, with amended conditions

ACTION REQUESTED: Take whatever action Council deems advisable

58 NOTICES MAILED ON JULY 9, 2010

4. RESOLUTION approving a special use permit located on the east side of Thomas Street, 118 feet south of Firestone Avenue, containing .13 acre.

Ford

Case No. SAC 09-609

Applicant: Lovelace P. Gipson

Request: Close Guy Place Alley and a portion of Lyman Avenue

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

22 NOTICES MAILED ON JULY 9, 2010

5. RESOLUTION approving a use variance located on the southwest corner of Broad Avenue and Tillman Street, containing 1.11 acres in the Neighborhood Commercial (C-N) District.

Ford

Case No. UV 10-07

Applicant: Binghampton Development Corporation
Nathan Cook and Robert Montague – Representatives

Request: Farmers Market

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

89 NOTICES MAILED ON JULY 9, 2010

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION accepting grant funds in the amount of \$3,600.00 from the Tennessee Historical Commission for the Memphis Landmarks Commissioner Training to send at least 6 Commissioners and/or staff to the National Alliance of Preservation Commissions Forum 2010 National Conference. The Memphis Landmarks Commissioners and staff are required by the Certified Local Government Agreement to receive training every year. Resolution also amends the FY 2010 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$2,400.00.

Ford

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving a special use permit located on the east side of Cherry Road, opposite and south of intersection with Dunn Road, containing 0.482 acre in the Local Commercial (C-L) District.

Ford

Case No. SUP 09-218

Applicant: Allen Parker, Jr.
Whit Gurkin, Attorney at Law – Representative

Request: Motor Vehicle Service

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

8. RESOLUTION approving a special use permit located on the northwest corner of Greenlaw Avenue and Sixth Street, containing 1.14 acres in the Moderate Density Residential (MDR) District.

Ford

Case No. SUP 10-219

Applicant: Memphis College Preparatory School
Vanecia Belser Kimbro – Representative

Request: Charter School (Grades Kindergarten – 5)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

9. RESOLUTION approving a use variance located on the northeast corner of Murray Avenue and Yates Road, containing .27 acre in the General Office (O-G) District.

Ford

Case No. UV 10-06

Applicant: Erling Jensen
Butch Edwards – Representative

Request: Use Variance to expand the existing Erling Jensen's Restaurant currently operating under a prior Board of Adjustment approval for a new enclosed foyer, waiting area and additional 12 dining seats

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCES – THIRD AND FINAL READING

10. **JOINT ORDINANCE** repealing the Memphis and Shelby County Zoning Regulations adopted by the Shelby County Board of Commissioners on October 6, 1981 and by the Memphis City Council on October 7, 1981, being Joint Ordinance and Resolution No. 3064, as amended; repealing the Memphis and Shelby County Subdivision Regulations adopted by the Shelby County Board of Commissioners and the Memphis City Council on December 19, 1983, being Joint Ordinance and Resolution No. 3352, as amended; and adopting the Memphis and Shelby County Unified Development Code to establish joint zoning and subdivision regulations, to provide for a board of adjustment and a land use control board, and to provide for the enforcement and penalties for violation of the regulations, up for T H I R D and F I N A L reading.

Ford &
Morrison

Case No. ZTA 09-001cc
Ordinance No. 5367

Applicant: Division of Planning and Development
Josh Whitehead, Assistant City Attorney – Representative

Request: Adopt the Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

11. **ORDINANCE** rezoning the east bank of Mississippi River; extending southwardly from Incline Bayou, containing 10.54 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 10-108
Ordinance No. 5368

Applicant: SCF Real Estate, LLC & South of Fleet Street, LLC
Josh Lawhead (Burch, Porter & Johnson) & Harvey Marcom (The Reaves Firm – Representatives

Request: Heavy Industrial (I-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

6 NOTICES MAILED ON JULY 9, 2010



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

12. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 2, 2010, up for F I R S T reading.

Halbert

Ordinance No. 5373

ACTION REQUESTED: Adopt the ordinance on First reading

13. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include costs and add notification process of alarm user operating without a permit, up for F I R S T reading.

Conrad

Ordinance No. 5374

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING

14. **ORDINANCE** rezoning the west side of White Station Road; 255 feet north of Poplar Avenue, containing 0.679 acre in the General Office (O-G) District, up for S E C O N D reading.

Ford

Case No. Z 10-106

Ordinance No. 5369

Applicant: Jack Erb Company
SR Consulting, LLC – Cindy Reaves – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

15. **ORDINANCE** rezoning the southeast corner of Mariana Street and Midland Avenue, containing 0.50 acre in the Residential Duplex (R-D) District, up for S E C O N D reading.

Ford

Case No. Z 10-104
Ordinance No. 5370

Applicant: Sarah Carver
Al Thompson, Attorney at Law and Israel Katz, CPA –
Representatives

Request: Planned Commercial (C-P) District

LUCB recommendation: APPROVAL

OPD recommendation: Hold for feasibility assessment

ACTION REQUESTED: Adopt the ordinance on Second reading

16. **ORDINANCE** rezoning the northeast corner of the intersection of Getwell Road and New Willow Avenue, containing 0.62 acre in the Local Commercial (C-L) and Single Family Residential (R-S6) Districts, up for S E C O N D reading.

Ford

Case No. Z 10-109
Ordinance No. 5371

Applicant: J. Wise Smith
Michael J. Fahy – Representative

Request: Rezone the northeast portion of the subject site from R-S6 (Single Family Residential) to C-L (Local Commercial)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

17. **ORDINANCE** rezoning the south side of Poplar Avenue between N. Tucker Street and N. Rembert Street, containing 1.65 acres in the Multiple Dwelling Residential (R-MM) and Highway Commercial (C-H) Districts, up for S E C O N D reading.

Ford

Case No. Z 10-107
Ordinance No. 5372

Applicant: Memphis College of Art

Request: College and University (CU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

18. RESOLUTION approving final plat of LEGENDS PARK P.D., PHASE 4.
Case No. PD 07-338
Contract No. CR-5163

Resolution approves the final plat located on the east side of Ayers Street, 405 feet north of Poplar Avenue. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

19. **NOTATION** from Land Use Control Board that the following case was heard and Recommendation made requesting a date of public hearing:

A. Case No. PD 10-307 – McLean P.D.

Located on the west side of McLean Boulevard; between Hunter Avenue and Hubert Avenue, containing 2.58 acres in an area currently governed by the regulations for McLean Planned Development (P.D. 87-312)

Applicant: NexAir – Chuck Britton and Timmothy Sammarco
Solomito Land Planning – Brenda Solomito – Representative

Request: Revise the conditions to allow for the expansion of the NexAir Facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 10, 2010



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MLGW FISCAL CONSENT

20. RESOLUTION awarding Contract No. 11423, Smart Meter Demonstration, to Smart Synch, in the funded amount of \$380,300.00.
21. RESOLUTION awarding Contract No. 11399, Right-of-Way Mowing, to Rotolo Consultants, Inc. in the funded amount of \$217,152.00. This replaces award made to Southern Spray Company at the Board's meeting of May 6, 2010.
22. RESOLUTION awarding Contract No. 11403, Painting of the LNG Storage Tank (Exterior), to General Construction Services, Inc., in the funded amount of \$249,299.93.
23. RESOLUTION approving Change No. 6 to Contract No. 11110, Courier Services, with Express Courier, Inc. in the funded amount of \$144,869.52. The new contract value is \$725,710.82. (This change renews the contract for the fourth and final renewal term, September 7, 2010 to September 6, 2011, with an increase in the number of runs from the previous year. The rates will remain the same).
24. RESOLUTION approving Change No. 2 to Contract No. 11281, Maintaining MLGW Archival Documents, with Vital Records Control, Inc. in the funded amount of \$28,269.00. The new contract value is \$84,807.00. (This change renews the contract for the second of four renewal terms, July 14, 2010 to July 13, 2011, with no increase in rates from the previous year).
25. RESOLUTION awarding contract for approximately 96,000 ft. of innerduct to Petroflex, Inc. in the amount of \$28,425.60.
26. RESOLUTION awarding 12-month maintenance contract for inserter machine to Bowe Bell and Howell in the amount of \$56,400.00.
27. RESOLUTION awarding contract for capacitor banks to Utilicor in the amount of \$180,080.00.



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REGULAR AGENDA

28.
Strickland

APPOINTMENTS

Memphis and Shelby County Center City Commission

Reappointment

Mark D. Hendricks

Appointments

Alpha L. Lyons (Al)
Isaac W. Northern, Jr.
Diane C. Spears

GENERAL ORDINANCES -THIRD AND FINAL READING

29. **ORDINANCE** establishing the Small Business Enterprise (SBE) Program with the goal of awarding at least 25% of City contracting and purchase order dollars to locally owned small businesses, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5366

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for T H I R D and F I N A L reading. (Held from 12/1; 12/15; 1/26; 2/23; 3/23; 5/25)

Boyd

Ordinance No. 5331

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

31. RESOLUTION to amend the FY 2010 Operating Budget by appropriating \$136,296.00 in federal funding for Shelter Plus Care Grant Program, Project Number TN0016C4J0108102 implemented by Friends for Life, Inc.

Brown

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION to amend the FY 2010 Operating Budget by appropriating \$328,752.00 in federal funding for Shelter Plus Care Grant Program, Project Number TN0024C4J010802 implemented by Case Management, Inc.

Brown

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION to amend the FY 2010 Operating Budget by appropriating \$203,040.00 in federal funding for Shelter Plus Care Grant Program, Project Number TN0111C4J010901 implemented by SHIELD.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

34. RESOLUTION changing eligibility requirements for the Utility Assistance Program.

Fullilove

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

35. RESOLUTION requesting the Administration to prepare a Request for Proposals to identify interested parties to operate the remaining city-owned community centers in an effort to increase efficiencies.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

36. RESOLUTION requesting the Administration to remove funding from proposed FY 2011 O&M Budget to cover costs associated with vehicle inspections. (Held from 4/13; 5/11; 6/22).

Ware

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving a Cost Sharing Agreement with Nucor Steel Memphis, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on May 20, 2010.

Conrad

Contract No. CR-5162

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

38. RESOLUTION amending the FY 2011 Capital Improvement Budget by transferring an allocation of \$275,000.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, Project Number SW02001 to Install CIPP Annual 2010, Project Number SW02084 to repair/rehab existing damaged sanitary sewer pipe using CIPP process. Resolution also appropriates \$275,000.00 funded by Sewer Revenue Bonds for Install CIPP Annual 2010, Project Number SW02084 for a construction contract with Insituform Technologies, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION amending the FY 2011 Capital Improvement Budget by transferring an allocation of \$6,961,162.00 funded by G.O. Bonds General from Asphalt Paving, Project Number PW01040 to Asphalt Paving FY 2011, Project Number PW01229. Resolution also appropriates \$6,961,162.00 funded by G.O. Bonds General for Asphalt Paving FY 2011, Project Number PW01229 for paving done by City employees.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION amending the FY 2011 Capital Improvement Budget by transferring an allocation of \$700,000.00 funded by G.O. Bonds General from Street Lighting, Project Number PW01093 to Street Lighting FY 2011, Project Number PW01230. Resolution also appropriates \$700,000.00 funded by G.O. Bonds General for Street Lighting FY 2011, Project Number PW01230 to reimburse Memphis Light, Gas and Water for costs incurred in connection with servicing, replacing and removing expressway street light poles.

Hedgepeth

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

41. RESOLUTION appropriating Eleven Million Nine Hundred Thousand Dollars (\$11,900,000.00) in G.O. Bonds General chargeable to the FY 2011 Capital Improvement Budget and credited to CD01085, the Tiger Lane Public Green Space Project as the balance of project funding, as approved on May 25, 2010.

Boyd

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION amending the FY 2011 Capital Improvement Budget for Community Enhancement's Capital Acquisition Project Number GS02011H to replace the original vehicle purchase request to purchase thirteen (13) commercial mowers in the amount of One Hundred Sixty-Seven Thousand Seven Hundred Dollars (\$167,700.00).

Ware

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION accepting and appropriating \$5,445.00 in grant funds from the H.W. Durham Foundation to purchase scooters and convenience carts for senior citizens who visit the Memphis Public Library.

Ware

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION appropriating \$500,000.00 in Furniture, Fixtures and Equipment for the Animal Shelter Replacement Project.

Ware

Council did include the Animal Shelter Replacement, CIP Project Number PS01010 as part of the Fiscal Year 2011 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION appropriating \$368,000.00 for Information Technology for the Animal Shelter Replacement, CIP Project Number PS01010 as part of the FY2011 Capital Improvement Program funded by G.O. Bonds.

Ware

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 6 – Approved

7. Held until August 10, 2010
8. & 9 – Approved
10. Held until August 10, 2010 and Sent Back to Executive Session
11. Through 15 – Approved
16. Withdrawn
17. & 18 – Approved
19. Public Hearing Set for August 10, 2010
20. Through 29 – Approved
30. Held until August 10, 2010
31. Through 33 – Approved
34. Through 36 – Held until August 10, 2010
37. Through 45 – Approved

ACTION TAKEN ON THE MINUTES OF JULY 6, 2010 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #21, #41, #42, #43, #44 & #45 FROM TONIGHT'S MEETING

Approved